

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MIKE TURNER, On Behalf of Himself and All Others Similarly Situated,) Case No. 04-12294-PBS
Plaintiff,)) Judge Saris
vs.))
ANDREW J. FILIPOWSKI, MICHAEL P.)
CULLINANE, PAUL L. HUMENANSKY,)
TOMMY BENNETT, JOHN COOPER, JAMES E.)
COWIE, MICHAEL H. FORSTER, ARTHUR W.)
HAHN, THOMAS J. MEREDITH, J. KEVIN)
NATER and JOHN RAU,)
Defendants.)

)

**PLAINTIFF TURNER'S ASSENTED TO MOTION FOR LEAVE TO FILE A REPLY
MEMORANDUM PURSUANT TO LOCAL RULE 7.1(B)(3)**

Plaintiff Turner hereby respectfully requests that the Court grant leave to file the accompanying seven page Reply Memorandum of Law in Support of Motion for Reconsideration of Remand (the "Reply Brief"), attached hereto. In support of this request, plaintiff Turner states that the Reply Brief responds to arguments relating to the law of the case doctrine, Federal Rules of Civil Procedure, and legal analysis concerning the issue of remand, which were raised for the first time in Defendant's Response to Plaintiff's Motion for Reconsideration of Remand. Plaintiff Turner believes that consideration of this Reply Brief will assist the Court in deciding the issues raised by plaintiff Turner's remand motion.

RULE 7.1 CERTIFICATION

I, the undersigned counsel, represent that I have conferred with counsel of record in good faith with an eye towards resolving or narrowing the disputes in this matter, and that we were not able to resolve the dispute. Defendants have agreed that plaintiff Turner may file this Reply Brief.

DATED: March 24, 2005

Respectfully Submitted,

s/ Marc M. Umeda

Marc M. Umeda, admitted *Pro Hac Vice*
Kelly M. McIntyre
ROBBINS UMEDA & FINK, LLP
610 West Ash Street, Suite 1800
San Diego, CA 92101
Telephone: 619/525-3990
Facsimile: 615/525-3991

Patrick J. Sherlock
LAW OFFICE OF PATRICK J. SHERLOCK
11 South LaSalle Street, Suite 1600
Chicago, IL 60603
Telephone: 312/683-5575
Facsimile: 312/896-5784

Counsel for Plaintiff

Mary T. Sullivan, BBO #487130
SEGAL ROITMAN & COLEMAN
11 Beacon Street, Suite 500
Boston, MA 02108
Telephone: 617/742-0208
Facsimile: 617/742-2187

Local Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **PLAINTIFF TURNER'S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM PURSUANT TO LOCAL RULE 7.1(B)(3)** has been served on the parties on the attached Service List, via U.S. First-Class Mail, postage prepaid, on this 24th day of March, 2005.

s/ Marc M. Umeda

MARC M. UMEDA

Counsel for Plaintiffs

Marc M. Umeha
 ROBBINS UMEDA & FINK LLP
 610 West Ash Street, Suite 1800
 San Diego, CA 92101
 Telephone: 619/525-3990
 Facsimile: 619/525-3991

Patrick J. Sherlock
 LAW OFFICE OF PATRICK J.
 SHERLOCK
 11 South LaSalle Street, Suite 1600
 Chicago, IL 60603
 Telephone: 312/683-5575
 Facsimile: 312/896-5784

Samuel H. Rudman
 David A. Rosenfeld
 LERACH COUGHLIN STOIA GELLER
 RUDMAN & ROBBINS LLP
 200 Broadhollow Road, Suite 406
 Melville, NY 11747

Marvin A. Miller
 MILLER FAUCHER AND CAFFERTY
 LLP
 30 N. LaSalle Street, Suite 3200
 Chicago, IL 60602

Robert D. Allison
 LAW OFFICES OF ROBERT D. ALLISON
 & ASSOCIATES
 122 S. Michigan Avenue, Suite 1850
 Chicago, IL 60603

Bruce S. Sperling
 Thomas D. Brooks
 Angie Chen
 SPERLING & SLATER PC
 55 W. Monroe Street, Suite 3200
 Chicago, IL 60603
 Telephone: 312-641-3200

Daniel J. Lyne
 HANIFY & KING
 Professional Corporation
 One Beacon Street
 Boston, MA 02108-3107
 Telephone: 617/423-0400
 Facsimile: 617/305-0663

Counsel for Andrew Filipowski

Samuel B. Isaacson
 Joseph Collins

Mary T. Sullivan
 SEGAL ROITMAN & COLEMAN
 11 Beacon Street, Suite 500
 Boston, MA 02108
 Telephone: 617/742-0208
 Facsimile: 617/742-2187

Howard T. Longman
 STULL STULL & BRODY
 Six East 45th Street
 New York, NY 10017

David Pastor
 GILMAN AND PASTOR, LLP
 Stonehill Corporate Center
 999 Broadway, Suite 500
 Saugus, MA 01906
 Telephone: 781/231-7850
 Facsimile: 781/231-7840
 Counsel for Defendants

Lawrence A. Wojcik
 DLA PIPER RUDNICK
 GRAY CARY US LLP
 203 N. LaSalle Street, Suite 1800
 Chicago, IL 60601
 Telephone: 312/368-4000
 Facsimile: 312/630-7385

Bruce S. Barnett
DLA PIPER RUDNICK
GRAY CARY US LLP
One International Place
Boston, MA 02110
Telephone: 617/406-6002
Facsimile: 617/406-6102

Counsel for Michael P. Cullinane

Joel G. Chefitz
James E. Hanlon, Jr.
HOWREY SIMON ARNOLD & WHITE
LLP
321 N. Clark Street, Suite 3400
Chicago, IL 60610
Telephone: 312/595-1348
Facsimile: 312/595-2250

Counsel for Paul Humenansky

John F. Hartmann
Michael A. Duffy
KIRKLAND & ELLIS LLP
AON Center
200 E. Randolph Drive
Chicago, IL 60601
Telephone: 312/861-2000
Facsimile: 312/861-2200

Kevin J. O'Connor
Mayeti Gametchu
PARAGON LAW GROUP LLP
184 High Street
Boston, MA 02110
Telephone: 617/399-7950
Facsimile: 617/399-7955

Counsel for Tommy Bennett, John Cooper,
James E. Cowie, Michael H. Forster, Arthur
W. Hahn, Thomas J. Meredith, J. Kevin
Nater and John Rau